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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,952	10/06/2005	Wolfgang Andorfer	P40106US	3477
83956                      7590                      06/08/2009 Viering, Jentschura & Partner - OSR 3770 Highland Ave. Suite 203 Manhattan Beach, CA 90266				
EXAMINER FAROKHROOZ, FATIMA N				
ART UNIT 2889		PAPER NUMBER		
NOTIFICATION DATE 06/08/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vjp-us@vjp.de  
cfrerking@vjp.de  
patint@vjp.de

### Office Action Summary

**Application No.**

10/551,952

**Applicant(s)**

ANDORFER ET AL.

**Examiner**

FATIMA N. FAROKHROOZ

**Art Unit**

2889

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6.7.12-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6.7.12-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/25/09 has been entered.

Claims 6-7, 12-13 remain pending in the application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaGiusa (US 4041344) in view of Bunk et al (US 5811934) and Tschetter (US 4535269).

Regarding claim 6, LaGuisa teaches a halogen incandescent lamp (see at least Fig.2) having a transparent lamp vessel which is sealed off at one end 23, and at least one incandescent filament (col.2, lines 64-67) arranged within the lamp vessel ,

wherein a section (portion 22) of the lamp vessel is in the form of a reflector (by coating 21; col.3; line 20) and is provided with a visible light-reflecting coating (21), and wherein the lamp vessel is, apart from its sealed-off end 23, in the form of an ellipsoid, whose semimajor axis is arranged on the longitudinal axis of the lamp vessel, and a region of the lamp vessel which essentially corresponds to a half-shell of the ellipsoid is provided with the light-reflecting coating (21 ; col.2, lines 54-69).

Lagiusa does not teach the dimensions of the filament coil and the lamp vessel.

In the same field of endeavor, Bunk teaches a halogen incandescent lamp (Fig.2), wherein the length of the light-emitting coil of the incandescent filament being less than or equal to 4.4 mm, and its external diameter being less than 2.3 mm (Col.6,40-45) in order to achieve a compact filament (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the filament, as disclosed by Bunk, in the lamp of Laguisa in order to achieve a compact filament.

Further, the previous combination does not teach that the dimension of the lamp vessel transverse to the longitudinal axis has a maximum value of 30 mm.

In the same field of endeavor, the added Tschetter reference teaches an incandescent lamp wherein the envelope (28 in Fig.1; col.7, lines 45-60) has ellipsoidal shape whose major axes is 17.6 mm and minor axes is 14.5 mm (also see claim 3 of Tschetter) in order to achieve improved efficiency (col.7, lines 58-60)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the lamp, as disclosed by

Tschetter, in the lamp of the previous combination in order to achieve improved efficiency.

Regarding claim 7, LaGuisa teaches a halogen incandescent lamp (see at least Fig.2), characterized in that the half-shell of the ellipsoid extends from the sealed-off end (23) of the lamp vessel to the opposite end of the lamp vessel (see Fig.2 and col.2, lines 54-69).

Regarding claim 13, LaGuisa teaches a halogen incandescent lamp (see at least Fig.2);characterized in that the lamp vessel is, apart from its sealed-off end (23), in the form of an ellipsoid, whose semimajor axis is arranged on the longitudinal axis of the lamp vessel , and a region of the lamp vessel which essentially corresponds to a half-shell of the ellipsoid is provided with the light-reflecting coating (see Fig.2 ,21 in col.2,lines 54-69 and col.3,line 20).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable DeCaro (US 3983513) in view of Bunk et al (US 5811934) and Tschetter (US 4535269).

Regarding claim 12, DeCaro teaches a halogen incandescent lamp (see at least Fig.3) having a transparent lamp vessel which is sealed off at one end (base member 36;col.3,lines 59-65), and at least one incandescent filament (38;col.3,lines 59-69) arranged within the lamp vessel , wherein a section of the lamp vessel is in the form of a reflector and is provided with a visible light-reflecting coating 44;and wherein the lamp

vessel is axially symmetrical with respect to a longitudinal axis of the lamp vessel , and the at least one incandescent filament 38 is arranged on the longitudinal axis of the lamp vessel , the section of the lamp vessel which is in the form of a reflector being a ring-shaped section (section of layer 44;col.4,lines 10-24), which is connected to the sealed-off end of the lamp vessel and whose ring axis is arranged on the longitudinal axis; wherein the section of the lamp vessel which is in the form of a reflector is parabolic (col.4,lines 20-24), the rotational axis of the paraboloid being arranged on the longitudinal axis (the longitudinal axis is the axis on which the filament in Fig.3 is located, hence the rotational axis of the parabola is arranged on this longitudinal axis), and the vertex of the paraboloid facing the sealed-off end of the lamp vessel (since vertex is defined as the highest or lowest point in a parabola, see Fig.3 wherein the lowest point of the parabola faces the sealed off end wherein the connector is formed).

DeCaro does not teach the dimensions of the filament coil and the lamp vessel.

In the same field of endeavor, Bunk teaches a halogen incandescent lamp (Fig.2), wherein the length of the light-emitting coil of the incandescent filament being less than or equal to 4.4 mm, and its external diameter being less than 2.3 mm (Col.6,40-45) in order to achieve a compact filament (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the filament, as disclosed by Bunk, in the lamp of DeCaro in order to achieve a compact filament.

Further, the previous combination does not teach the dimension of the lamp vessel transverse to the longitudinal axis has a maximum value of 30 mm.

In the same field of endeavor, the added Tschetter reference teaches an incandescent lamp wherein the envelope (28 in Fig.1;col.7,lines 45-60) has ellipsoidal shape whose major axes is 17.6 mm and minor axes is 14.5 mm (see claim 3 of Tschetter) in order to achieve improved efficiency (col.7,lines 58-60)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the lamp, as disclosed by Tschetter, in the lamp of the previous combination in order to achieve improved efficiency.

#### ***Response to Arguments***

The arguments filed on 03/25/09 have been considered but are moot in view of new grounds of rejection.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatima Farokhrooz whose telephone number is (571)-272-6043. The examiner can normally be reached on Monday- Friday, 9 am - 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fatima N Farokhrooz/  
Examiner, Art Unit 2889

/Joseph L. Williams/  
Primary Examiner, Art Unit 2889